

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE: AVANDIA MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY  
LITIGATION**

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: MDL No. 1871  
: No. 07-md-01871-CMR  
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**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

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**TWENTIETH REPORT AND RECOMMENDATION OF  
THE SPECIAL MASTER AS TO  
A PROPOSED CASE-SPECIFIC SCHEDULING ORDER**

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At a September 19, 2012, status conference, the Court instructed the parties to work with the Special Master to attempt to agree on a scheduling order to govern case-specific fact discovery, expert discovery, *Daubert* motions, and dispositive motions in the remaining personal injury cases. The Special Master met with the parties in person and by telephone, and after much discussion, the parties have agreed on a case-specific scheduling order.\* The attached proposed Scheduling Order reflects the parties' agreement and the Special Master recommends adoption of this Order.

As set forth in the proposed Scheduling Order, forty-eight remaining cases would be identified as the next cases to be prepared for trial or remand to their transferor courts. These cases

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\* Plaintiffs' counsel participating in these discussions included plaintiffs' liaison counsel Paul R. Kiesel and Matthew A. Young of Kiesel Boucher Larson; Joey Diaz of the Diaz Law Firm; Michael L. Baum and Cynthia L. Garber of Baum, Hedlund, Aristei & Goldman; Aaron R. Parker of the Law Offices of Peter G. Angelos; and Janpaul Portal of the Ferraro Law Firm. The participating counsel represent approximately three-fourths of the remaining personal injury cases within the MDL.

would be selected randomly, by the Special Master, from the list of pending cases in the MDL.

Each of the three discovery groups would consist of sixteen cases: eight identified as myocardial ischemia cases; four identified as stroke cases; and four identified as congestive heart failure cases.

The proposed Scheduling Order establishes an expeditious and efficient means for preparing each of these cases for resolution by dispositive motion, trial, or remand to transferor courts. The proposed Scheduling Order also provides for a short tolling of the deadlines in the Order for those claimants who elect to participate in the Court-established mediation process.

The Special Master recommends adoption of the attached proposed Scheduling Order.

Dated: November 9, 2012

/s/ Bruce P. Merenstein

Bruce P. Merenstein, Special Master

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**CERTIFICATE OF SERVICE**

I, Bruce P. Merenstein, hereby certify that on November 9, 2012, I caused to be electronically filed the foregoing **Twentieth Report and Recommendation of the Special Master As to a Proposed Case-Specific Scheduling Order**. Through the Court's ECF system, this document is available for viewing and downloading.

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/s/ Bruce P. Merenstein  
Bruce P. Merenstein